

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**CSX TRANSPORTATION, INC.,
individually and on behalf of
NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY,**

Plaintiff,

v.

Civil Action No. 2:18-cv-530-RAJ-LRL

**NORFOLK SOUTHERN RAILWAY COMPANY,
NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY, JERRY HALL,
THOMAS HURLBUT, PHILIP MERILLI,
and CANNON MOSS,**

Defendants.

AGREED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADINGS

Defendants Norfolk Southern Railway Company, Norfolk and Portsmouth Belt Line Railroad Company, Jerry Hall, Thomas Hurlbut, Philip Merrilli and Cannon Moss (collectively, “Defendants”), by counsel, move for entry of an order extending the time to file their responsive pleadings to the Complaint and establish a briefing schedule, as agreed between counsel for the Defendants and plaintiff CSX Transportation, Inc (“CSXT”). In support thereof, Defendants and Plaintiff state as follows:

1. CSXT filed its Complaint on October 4, 2018.
2. The Defendants have been served with the Complaint, but the time to respond has not expired.
3. Counsel for CSXT and the Defendants recently consulted about the Complaint

and the need for additional time to respond and have agreed to the following briefing schedule, with the Court's permission:

- a. The Defendants shall have until November 27, 2018 to file responsive pleadings;
- b. CSXT shall have until December 21, 2018 to file responses to any defense pleadings or motions; and
- c. Any replies by the Defendants to CSXT's responses shall be due by January 7, 2019.

WHEREFORE, the Defendants and CSXT respectfully request that this Court enter an Order substantially in the form of Exhibit A hereto, so extending the time to respond to pleadings and establishing a briefing schedule.

Dated: November 2, 2018

**NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY**

/s/ James L. Chapman, IV

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CERTIFICATE OF SERVICE

I certify that on this 2nd day of November 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a "Notice of Electronic Filing" to the following attorneys of record:

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And I further certify that a true and correct copy of the foregoing was delivered via regular and electronic mail (where designated below) to the following:

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